

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JACOB GREGOIRE,

Plaintiff,

v.

CALIFORNIA HIGHWAY PATROL,
an agency of the State of California;
SERGIO FLORES; and DOES 1 to 20,

Defendants.

CASE NO. 14CV1749-GPC(DHB)

**ORDER VACATING PRETRIAL
CONFERENCE DATE AND
SETTING BRIEFING SCHEDULE**


On February 16, 2016, the Court granted in part and denied in part Defendants' motion for summary judgment. (Dkt. No. 46.) On February 25, 2016, Defendants filed a notice of appeal. (Dkt. No. 52.) Defendants appeal the Court's order on summary judgment including its ruling on qualified immunity. (Id.)

The United States Supreme Court has recognized a narrow exception that allows an interlocutory appeal of a denial of summary judgment based on qualified immunity. Mitchell v. Forsyth, 472 U.S. 511, 530 (1985). A valid appeal from the denial of qualified immunity automatically stays the district court proceedings unless the district court certifies that the appeal is frivolous. Chuman v. Wright, 960 F.2d 104, 105 (9th Cir. 1992) (interlocutory claim that is immediately appealable divests district court of jurisdiction to proceed to trial). Accordingly, the Court directs Plaintiff to address whether the appeal is frivolous on or before **March 11, 2016**. Defendant shall file a response on or before **March 18, 2016**. The Court also **vacates** the pretrial conference

1 set on March 4, 2016.

2 IT IS SO ORDERED.

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4 DATED: February 29, 2016

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6 HON. GONZALO P. CURIEL
7 United States District Judge
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